G. R. S. 59]

MUZRAI

GENERAL AND REVENUE SECRETARIAT.

1900-01

( )

File No. 1 Sem II

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

Agrahar Inams

PREVIOUS REFERENCES.

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Notes on Agrahar Inams.

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Agrahar Inams are of two kinds:

I "Agrahar Inams" falling under the head "Lakhiraj Madaya or charitable" granted "for the maintenance of Brahmins in distinct settlements with the condition of teaching the Vedas and praying for the prosperity of the reign of the Maharaja".

II. "Agrahar Inams" falling under the head of "personal" granted for the livelihood of Brahminanical communities (Vide "Brief sket of the various description of land Inams" prepared by Col. Puckle, Superintendent, Inam Settlements, in May 1874. referred to in Mr. Thumboo Chetty's note dated 1-9-1898).

P.J. 47-97 Hubbisandra (in Karwar District Taluk).

2. Both kinds seem to have been settled at the Inam Settlement, as personal and enfranchised.

3. In connection with the Devamba Agrahar vritties the Inam Commissioner made a reference to the Chief Commissioner who then issued order no. 5169-98/Rev.685 dated 7th January 1898 to the effect that Agrahar Inams cannot be alienated to Non-Brahmins and that Agrahar houses must be occupied by the Agrahardars or other Brahmins. Mr. Rangacharlu was then Revenue Secretary . These vritties, were, after all, settled as personal and considered to be of class II defined in para I above (vide letter no. 98 dated 10th February 1899 from the Superintendent of Inam Settlements).

(Memo No 1076 dy 13.12.1897).

(P.J. 47-97)

4. It is a question whether this order applies to both kinds of Agrahar

the first. Col. Grant in his letter referred to in the last para says that it applies to both.

5. The Settlement of Agrahar Inams had been practically completed before the issue of this order (vide Col. Grnat's letter referred to above); and alienation to Non-Brahmins had also been recognised in some cases, e.g, Nakana halli in the Hoskote Taluk. In the Inam Register of this village the alienation is referred to in these terms:-

"The alienations are unaisputed and the alienees are in possession."

(. File 54 of 1901-02)

6. In some case such as Dooddabagal and Muthatti Agrahar in the ... harsipur Taluk and Talkunda and Doddabala in the Nagamangala Taluk the question of residence in the Agrahar has been discussed .

(vide Inam Sinfolds letter dated 3.11.1900 in File No. 47-97)

7. In the few cases, e.g, Amrithapur Agrahar , settled later on; this order of the Chief Commissioner has not been given effect to.

(. P. File 174 of 1897-8) and 2. File 65 of 96)

8. In the year 1897, when the residents of Mulisandra in the Tiptur Taluk complained of the alienation to Non-Brahmins order No. 8597/p 1460 dated 30-3-1897 was issued under the order of Mr. (now Sir) P.N. Krishna Murti, then second Councillor to the effect that the Chief Commr's order of 1880 should be followed. When the same case came later on before the late Mr. Thumboo Chetty who was then First Councillor , he was of opinion that the Chief Commissioner's order was at variance with the Inam Rule VI (c) [This rule runs t us:- Option, however, will be given t the Inamdar to render these grants, perpetual and alienable, by a payment of a quit-rent equal to one-eighth assessment of the entire tenure , irrespective of his position wit. regar to

(. File 47 of 97)

which having received the sanction of the Govt. of India, had the force of law. He was therfore of opinion that the order required modification In accordance with his orders, further correspondence was carried on with the Residency for ascertaining the practice in Madras and also with the Inam Superintendant. Col. Grant while saying that the Chief Commissioner's order laid down excellent and indisputable points of principle, was of opinion that it is inconsistent with Inam Rule VI (c). In his letter No. 1/3 dated 4th May 1899 he says that the order is in every way equitable in principle and salutory but was passed too late to be acted upon.

(G.O. 174 of 1897-8).

9. About the same year, some complaints were received about Aswathapur Agrahar in the T. Narsapur Taluk. Mr. Krishna Murti was of opinion that the question of alienation which had been disposed of at the Inam Settlement could not be reopened but that residence was an essential condition. This is what he said:-

It is inexpedient to reopen the question of alienations which has been already finally settled but the tendre seems to be that of Agrahar as defined and explained in Govt. order No. 5159-90/A 089 dated 7-1-1880."

Later on he noted thus on 22-2-1900:-

"I think these papers may be laid down before the Dewan for his consideration.

"Col. Grant's view of the extension of right by the imposition of quit-rent is opposed to the very nature and essence of the grant if I rightly understand the keeping up of the agraharam conditions of consideration for the Inam Settlement, why should the Assistant Superintendent -the investigating officer- have

mentioned that circumstance and urged it as a ground for confirming the grant. If it is not viewed as a condition of the grant, all such Agrahars will very soon be a thing of the past. The present condition of this Agrahar is deplorable and I am sure there are also others in the other parts of the Province. Some remedial measures are absolutely called for and the subject is one which deserves the best consideration of the Dewan. The restoration of the minimum number of houses in the Agrahar and the residence of the Brahmins there must be insisted upon. It is important to bear in mind that the order of 1880 was issued on the 7th January 1880 (before Rendition) by the Chief Commissioner, and the settlement of the Agrahar lands in reference was not completed before December 188 At least there is a note that the Title-Deeds were prepared about that time. The Inam Supt's order is dated July 1880. It seems to me that the direction contained in para 2 of the above order was binding upon the Inam Department, as there is nothing contrary to the Inam Rules and there was no vested interests of any kind to be interfered with. Inattention and omission to follow those authoritative interpretations of the rules and binding directions are such as will justify us in reopening this settlement and as there are numerous other grants in the Province which it may be hoped will continue till the end of time or at all events till the native dynasty continues, I think we ought not to be slow or reluctant to place these on a satisfactory basis and on the lines indicated by the order of 1880."

10. These two files remained without disposal.

In the meantime there was a complaint about the non-residence of the vrtiidars at Ram -sagar or Karadagur in the Bowringpet Taluk. In the order of Government No. 3907-14/P.F.15-1900 dated 13th November 1900 issued under the order of Mr. Krishna Murti residence was insisted upo A subsequent report (No. c. 110 dated 21st July 1902) from the Deputy Commissioner shows that this order had the desired effect and that the vrtidars or their representatives had arrang -ed to reside in the villageof Karadagur as originally arranged and abide by the condition of the grant.

Etn. file 15 of 1900-01

11. An application about Benakankere village was also received . Government (Mr.Kris Murti) in their order No. 6640-1/P.F.94-99 date 27th February 1901 said that the alienation to non-brahmins could not be questioned and direct -ed the Muzrai Department to make out a list of all Agrahar Inams coming under the order of 1880 with informations about alienations and present enjoyers and whether the latter are brahmins or others , the settlement date with reference to the order of 1880 and so on, to enable Government to decide whether any and what action is necessary to preserve such Agrahar Inams in accordance with the intentions of the original grantors. ~~A special official should be appointed for this work and the list prepared and submitted within the next three months.~~"

97-98).

The Muzrai Department have obtained lists from the Districts and nothing has been done in consequence of the order of his Highnes referred to in para 24 below.

Long 7. 1 of 1910-)

12. An application in connection with Nakanahalli village having been received, the then Dewan in disposing of it on 30th March 1902 said thus:-

(Rev. Mis 59 of 1901-02)

" The order of Mr. Rangacharl of 1880 cannot of course affect the previous settlements but some of the subsequent settlements also have not heeded the order . I shall be obliged by the First Councillor considering the whole subject and favouring me with his views."

(L.R. 174 of 1897-8)

13. Mr. Madhava Rao, the then 1st Councillor, in noting on this subject said as follo about the Aswathapur Agrahar:-

" No doubt the enfranchisement being subsequent to the passing of the Proceedings, they apply to the present case, but how is Government going to enforce the terms of the original grant, assuming that the Proceedings have the effect of modifying the Inam Rules, on which, question I have my own doubts.?"

He added " A question has been raised in this case as to whether the Chief Commr's Proceedings of 7th January 1860 on [illegible] validity as they have the effect of modifying the Inam Rules which were passed by the Government of India. I would place the question before the Dewan for consideration in Council.

" I may be allowed to note here that with a view to carry out the objects of Agrahar Inam grants made by His late Highness Krishna Raja Wadeyar III, it will be necessary to special enactment making it compulsory on the grantees both (1) to live in the Agrahars wher -ever houses have been granted to them and

(2) not to alienate the Agrahar Inam to non-brahmans as it will have the effect of defeating the object of the grant.

" It is a question whether in view of changes in the economic condition of the country and also of changes in climate it will be fair to compel grantees to live in the houses originally granted to them, owing to increase in the mouths to be fed and the inadequacy of the original grant to maintain a large family under altered economic conditions or prompted by ambition to better their condition, Agrahar Inam holders may wish to leave their original home and seek their fortunes elsewhere, or under the influence of the modern materialistic civilisation, they may have departed from the ways of their fathers and fail to learn even the prayer the recital of which is one of the conditions of the grant, or the agrahar may have become uninhabitable owing to climatic changes with which we are familiar in Mysore and which latterly plague has brought home to us in every part of the State.

" Under these conditions, I do not know if it will be either possible or fair to insist upon the terms of the Agrahar grant being confirmed to on pain of confiscation or forfeiture to the Govt."

14. The Hon. Srinivasa Iyengar the 2nd Councillor noted thus:-

" This is a most important question and is far reaching in its consequences. I beg to suggest that it be personally discussed in Council with the Dewan's kind permission before a decision is arrived at. I am not sure that the Chief Commissioner's order of

of 7th. Jany. 80 is not inconsistent with the Inam Rules which in their turn seem defective and can, if I am not wrong, only be set right by a Legislative enactment. The condition of caute proposed seem highly desirable, but the question is " how are we to enforce it " ? It cannot of course be held applicable, to the case of Inam Settlements made prior to 1880. As regards its applicability to subsequent Settlements I entertain a dubt. The Inam Rules were promulgated with the sanction of the Govt. of India while the order of January 1880 was issued by the Chief Commissioner on his own responsibility. I am quite in favour of the latter but I am not sure that it has a legal validity."

15. It will thus be seen that the Inam Ru Rules as originally framed made no distinction between Agrhars and other Inams and that when r. Ranga Charlu, who had experience of Inam work in the Madras Presidency, became Revenue Secretary an attempt was made, but without much effect, to preserve the characteristics of such Inams.

16. It will also be seen that of the officers who have dealt with this question since the Rendition (1) all are agreed with the Chief Commissioner's order can have no retrospective effect (2) that Messrs Arumboo Chetty, .. a hava Rao, .. Srinivasa Iyengar and Col.Grant are of opinion that this order being at variance with the Inam ules sanctioned by the Govt. of India cannot be effective and (3) that Sir .... rishna Murti, .. S. rinivasa Iyengar and Col Grant are of opinion that it is equitable to make suitable provisions for maintaining the characteristics of Agrhar Inams.

17. The files still remained without final orders. In the meantime there was a complaint of alienation to a non-Brahmin in connection with Hanuvenahalli in the Magadi Taluk.

(ee Mis File 201-03)

The Dy. Commissioner and the Revenue Commissioner set aside the alienation. Govt. also in their order No. R.11785/R.M. 401-03-11 dated 15th. March 1906 declined to interfere.

The points, Viz., when the Inam was settled and what the effect of such settlement was do not appear to have been considered. The reasons for declining to interfere apparently are that the alienations (not the Inam Settlement) were recent and not bona fide.

The review application of the non-Brahmin alienee was rejected.

(G.R. File 233 of 1904-05)

18. A similar application by one Krishna Char of Hankur for the cancellation of the sale of the inam village of Bairasandra in the Kolar Taluk was rejected on the ground that the Inam had been settled prior to the issue of the Chief Commissioner's order of 1880. I think that this village which appears to have been granted by the Mogul Emperors cannot be said to be an Agrahar Inam.

(G.R File 174 of 1898).

19. The entire file was submitted to H.H. the Maharaja in March 1906 by Sir P. N. Krishna Murti with a note as follows :-

" In connection with some of the cases of Agrahar Inams, the question has arisen as to whether the grantees have powers of alienation to non- Brahmins. In 1880, the Chief Commissioner decided to the contrary in as much as such inams were supposed to entail the liability on the part of the Inam

of praying for the prosperity of the grantor and his family. This decision of the Chief Commissioner is, however, said to conflict with the terms of Inam Rule VI (c) issued with the sanction of the Govt. of India. The question is, however, an important one in as much as, as observed by the Chief Commissioner, specially in the case of the Mahar grants made by Maharaja Krishna Raja Wodeyar, III, it is desirable that the tenure of service, though merely nominal, should not be relaxed. If approved by His Highness this question will be considered in the Legislative Branch with a view to introduce legislation, if necessary."

20. It was returned on 17-4-1906 with the following order :-

" I accept the view expressed by the Dewan in his note, written when First Councillor on the 28th. July 1902. We cannot shut our eyes to the great change in the conditions of life that has taken place since most of these grants were made. Legislation with a view to perpetuate an anachronism will be vexatious in the present and ineffectual in the long run."

21. The ideas of issuing a general order in terms of the above or of embodying in an order the suggestions referred to in his note of 28th. July 1902 do not appear to have commended themseleves to Mr. V. P. Madhava Rao, Dewan in April 1906. He directed that in the case of any pending files orders might be issued " in accordance with His Highness' orders passed above ."

Accordingly the Revenue Commissioner was in reply to the query in his letter No.600 dated 11th. July 1905 informed i. No. 1 &c/RA177 06-

(Mo.File 77 of 1906 07).

dated 2nd. September 1907 that the Chief Commissioner's order of 1880 could not have retrospective effect.

22. The question of Agrhars being not --- merely one of academic interest inasmuch as Agrhars (such as Sita Vilas and Chamaraj in Mysore) are even now being granted and the idea of non-Brahmins residing in Agrahar houses being still repugnant to the feelings of Brahmins, I was curious to have a look at the Sannads relating to the Sita Vilas and Chamaraj Agrahars and accordingly wrote to the Officer in charge of the Palace Establishments. From the sannads sent by him it is clear that no reservation has been made in the matter of the alienation of the inam lands but that as regards the houses occupation by non-Brahmins is prohibited. The material portion of the Sannad is noted below:-

"[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]"

It will thus be seen that His Highness' views have already have been embodied in Sannads issued by Her Highness the Maharani

Maharani Regent, C.I.

23. In connection with the decay of the Agrahar at Yedatore, the Second Councillor has noted thus :-

(L.R. file 3388 of 1907).

" Assuming that the Sannad in the record refers to the vrittis in question, I do not see how a condition to build and always liv in the houses can be enforced. Such grants are made with reference to the qualifications of the donees at the time. If it was as indispensable condition that ಸೇವೆಯನ್ನು should be made at all time, there would be no completed gift as the property would not fully pass to the donee. Such conditions of residence &c., should be construed in a reasonable manner, and if a family or a village decays in course of time, no artificial force can keep them alive.

" The Inam Settlement also prevents Govt. from stepping in at present and trying to impose new conditions on enfranchised inams ."

The proposal made at the Representative Assembly that the inams should be attached till these houses were rebuilt was not countenanced by Govt. who in their order ~~No.K 2629~~ L.R.556-07 dated 1st. Oct. 1909 merely observed that " all possible and reasonable facilities should be provided to induce the persons concerned to build houses in the extension of the town, so that the inhabitants may of their own accord give up the old town which is stated to be unhealthy for habitation."

24. The whole matter was reviewed in connection with the Devi Krishna Doss Charities dealt with in Govt. Order No. dated

16/1/11 Under Secretary, Asst. Dept.

On the Petition of one Bhagappa (Smartha Brahmin) a Share-holder in the Jodi Village of Kanaparaikanahalli in the Maddagiri Taluk, stating that the Village has been passed into the possession of a non-brahmin under a Court Sale and praying for its restoration, the Govt after obtaining reports from the Rev: Commissioner and Inam Supt. to the effect that the Village was a Jodi Village and not an Agrahar Inam informed the petitioner in Govt. Memo No. 23 / LR 3-10-126 dated 1.7.1911 that as the portion of the Village belonging to him had been enfranchised there was no restriction as regards its alienation to non-brahmins and Govt could not properly interfere in the matter.

Notes on Agrahar Inams.

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Agrahar Inams are of two kinds:

I "Agrahar Inams" falling under the head "Dharmadaya or charitable" granted "for the maintenance of Brahmins in distinct settlements with the condition of teaching the Vedas and pray-

for the prosperity of the Reigning Prince the Maharaja".

II "Agrahar Inams" falling under the head of "personal" granted for the livelihood of Brahminanical communities (Vide "Brief sketch of the various description of land Inams" prepared by Col. Puckle, Superintendent, Inam Settlements, in May 1874. referred to in Mr. Thumboo Chetty's Note dated 17-9-1890).

P.F 47-97 Hulibandra Agrahara in Tiptur Taluk)

2. Both kinds seem to have been settled, at the Inam Settlement, as personal and enfranchised.

3. In connection with the Devamba Agrahar vritties the Inam Commissioner made a reference to the Chief Commissioner who then issued order no. 9180-90/Rev.885 dated 7th January 1890 to the effect that agrahar Inams cannot be alienated to non-Brahmins and that Agrahar houses must be occupied by the Agrahardars or other Brahmins. Mr. Rangacharlu was then Revenue Secretary . These vritties, were, after all, settled as personal and considered to be of class II defined in para 2 above (vide letter no. 56 dated 10th February 1891 from the Superintendent of Inam Settlements).

(Memo dt. 1076 of 13 12 1879)

(F 47-97)

4. It is a question whether this order applies to both kinds of Agrahar Inams

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in the last para says that it applies to both.

5. The Settlement of Agrahar Inams had been practically completed before the issue of this order (vide Col. Grnat's letter referred to above); and alienation to Non-brahmins had also been recognised in some cases, e.g, Hakanahalli in the Hoscote Taluk. In the Inam Registe of this village the alienation is referred to in these terms:-

(P. File 59 of 1901-02)

"The alienations are undisputed and the alienees are in possession."

6. In some cases such as Doddabagal and Muthatti Agrahar in the K. Narsipur Taluk and Kalkundi and Doddabala in the Nagamangala Taluk the question of residence in the Agrahar has been discussed .

(vide Inam Supplemental No 38 of 3.11.1900 in P File No 47-97)

7. In the few cases, e.g, Anwathapur Agrhar , settled later on; this order of the Chief Commissioner has not been given effect to.

(R. File 174 of 1897-8) & (P File 65 of 96)

8. In the year 1897, when the Noddidars of Mullisanur in the Kiptur Taluk complained of the alienation to Non-brahmins order No. 8597/P 1460 dated 30-3-1897 was issued under the order of Mr. (now Sir) P.N. Krishna Murti, then second Councillor to the effect that the Chief Commr's order of 1880 should be followed. When the same case came later on before the late K. Ahmadoo Chetty who was then First Councillor , he was of opinion that the Chief Commissioner's order was at variance with the Inam Rule VI (d) (this rule runs thus:- Option, however, will be given t the Inamdar to render these grants, perpetua and alienable, by a payment of a quit-rent equa to one-eighth assessment of the entire tenure irrespective of his position with regard to ==

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"It is inexpedient to reopen the question of alienations which has been already finally settled and the tenure seems to be that of Agrahar as defined and explained in Govt. order No. 3169-96/1. 389 dated 7-1-1880."

Later on he noted thus on 22-2-1900:-

"I think these papers may be laid before the Dewan for his consideration.

"Col. Grant's view of the extension of right by the imposition of quit-rent is opposed to the very nature and essence of the Grant. If residence and the keeping up of the Agrahar were no matters of consideration for the Inam Settlement, why should the Assistnat Superintendent "the investigating officer" have prominently

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(Rev Mis 234 of 1897-98)

The Muzrai Department have obtained lists from the Districts and nothing has been done in consequence of the order of ... is hi... referred to in para 20 below.

(Muz F 1 of 1900)

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12. An application in connection with Lakanahalli village having been received, the then Dewan in disposing of it on 30th March 1902 said thus:-

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13. Mr. Sadhva Rao, the then 1st Councillor, in noting on this subject said as follows about the agrathanur grahar:-

" No doubt the enfranchisement being subsequent to the passing of the Proceedings, they apply to the present case, but how is Government going to enforce the terms of the original grant, assuming that the Proceedings have the effect of modifying the Inam Rules, on which question I have my own doubts.?"

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" Under [illegible] I do not know if it will be either possible or fair to insist upon the terms of the Agrahar grant being conformed to on pain of confiscation or forfeiture of the Inam."

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" This is a most important question and is far reaching in its consequences. May I beg to suggest that it be personally discussed in Council with the Dewan's kind permission before a decision is arrived at. I am not sure that the chief Commr's order

of 7th. Jany. 60 is not inconsistent with the Inam Rules which in their turn seem defective and can, if I am not wrong, only be set right by a Legislative enactment. The condition of caste proposed seem highly desirable, but the question is " how are we to enforce it " ? It cannot of coarse be held applicable, to the case of Inam Settlements made prior to 1860. As regards its applicability to subsequent Settlements I entertain a dubt. The Inam Rules were promulgated with the sanction of the Govt. of India while the order of January 1860 was issued by the Chief Commissioner on his own responsibility. I am quite in favour of the latter but I am not sure that it has a legal validity."

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(Rev. Misc. File 401-03)

The Dy. Commissioner and the Revenue Commissioner set aside the alienation. Govt. also in their order No. E.11785/R.M. 401-03-11 dated 19th. March 1906 declined to interfere.

The points, viz., when the Inam was settled and what the effect of such settlement was do not appear to have been considered. The reasons for declining to interfere apparently are that the alienations (not the Inam Settlement) were recent and not bona fide.

The review application of the non-Brahmin alienee was rejected.

(L.R. File 233 of 1904-05)

18. A similar application by one Krishna Char of Nanjar for the cancellation of the sale of the Inam village of Hairasandra in the Kolar Taluk was rejected on the ground that the Inam had been settled prior to the issue of the Chief Commissioner's order of 1860. I think that this village which appears to have been granted by the Mogul Emperors cannot be said to be an Agrahar Inam.

(L.R. File 174 of 1898)

19. The entire file was submitted to H.H. the Maharaja in March 1906 by Mr. A. Krishna Murti with a note as follows :-

" In connection with some of the cases of Agrahar Inams, the question has arisen as to whether the grantees have powers of alienation to non-Brahmins. In 1860, the Chief Commissioner decided to the contrary in that the Inams were supposed to entail the liability on the part of the grantees

of praying for prosperity of the grantor and his family. This decision of the Chief Commissioner is, however, said to conflict with the terms of Inam Rule VI (c) issued with the sanction of the Govt. of India. The question is, however, an important one in as much as, as observed by the Chief Commissioner, specially in the case of the Brahmadeya grants made by Maharaja Krishna Raja Wodeyar, III, it is desirable that the tenure of service, though merely nominal, should not be relaxed. If approved by His Highness this question will be considered in the Legislative Branch with a view to introduce legislation, if necessary."

20. It was returned on 17-4-1906 with the following order :-

" I accept the view expressed by the Dewan in his note, written when first Councillor on the 26th. July 1902. We cannot shut our eyes to the great change in the conditions of life that has taken place since most of these grants were made. Legislation with a view to perpetuate an anachronism will be vexatious in the present and ineffectual in the long run."

21. The ideas of issuing a general order in terms of the above or of embodying in an order the suggestions referred to in his note of 26th. July 1902 do not appear to have commended themselves to Mr. V. P. Madhava Rao, Dewan in April 1906. He directed that in the case of any pending files orders might be issued " in accordance with His Highness' orders passed above ."

Accordingly the Revenue Commissioner was in reply to the query in his letter No. dated 11th. May 1906 inter alia

(R.M. File 77 of 1906-07)

R.M.77 06-3

dated 2nd. September 1907 that the Chief Commissioner's order of 1880 could not have retrospective effect.

22. The question of Agrhars being not --- merely one of academic interest inasmuch as Agrhars (such as Sita Vilas and Chamaraj in Mysore) are even now being granted and the idea of non-Brahmins residing in Agrahar houses being still repugnant to the feelings of Brahmins, I was curious to have a look at the Sannads relating to the Sita Vilas and Chamaraj Agrahars and accordingly wrote to the Officer in charge of the Palace Establishments. From the sannads sent by him it is clear that no reservation has been made in the matter of the alienation of the inam lands but that as regards the houses occupation by non-Brahmins is prohibited. The material portion of the Sannad is noted below:-

"

It will thus be seen that His Highness' views have already been embodied in Sannads issued under the

Maharani Regent, C.I.

25. In connection with the decay of the Agrahar at Pedatore, the Second Councillor has noted thus :-

(L.R. File 3380/1907)

" Assuming that the Gannad in the record refers to the vrittis in question, I do not see how a condition to build and always live in the houses can be enforced. Such grants are made with reference to the qualifications of the donees at the time. If it was as indispensable condition that [illegible] should be made at all time, there would be no completed gift as the property would not fully pass to the donee. Such conditions of residence &c., should be construed in a reasonable manner, and if a family or a village decays in course of time, no artificial force can keep them alive.

" The Inam Settlement also prevents Govt. from stepping in at present and trying to impose new conditions on enfranchised inams ."

The proposal made at the Representative Assembly that the inams should be attached till these houses were rebuilt was not countenanced by Govt. who in their order G.O. 2629 L...5.6-07 dated 1st. Oct. 1909 merely observed that " all possible and reasonable facilities should be provided to induce the persons concerned to build houses in the extension of the town, so that the inhabitants may of their own accord give up the old town which is stated to be unhealthy for habitation."

24. The whole matter was reviewed in connection with the Local Krishnarajapura Liabilities dealt with in Govt. Order No. Dated

C.F. Hiller

Notes

on Agrahar Inams.

Agrahar Inams are of two kinds:

I "Agrahar Inams" falling under the head "Dharmadayam or Charitable" granted for the maintenance of Brahmins in distinct Settlements with the condition of teaching the Vedas and praying for the prosperity of the reign of the Maharaja"

II "Agrahar Inams" falling under the head of "Personal" granted for the livelihood of Brahmanical Communities (Vide "Brief Sketch of the Various descriptions of land Inams" prepared by Col Puckle, Supt, Inam Settlements in May 1874 Referred to in the Shencotta Enquiry Note dated 13.9.1898).

Grant in this letter referred to in the last para says that it applies to both

5. The Settlement of Agrahara Inams had been practically Completed before the issue of this order (vide Col Grant's letter referred to above), and Alienated to Non-Brahmins had also been recognized in some cases, e.g., Nakanahalli in the Kolkole Taluk. In the Inam Register of this Village the alienation is referred to in these terms:—

"The alienations are in dispute and the alienees are in possession."

6 In some cases such as Doddabagalam & Muttathi Agrahara in the T. Narsipur Taluk and Kalkundi and Doddabala in the Nagamangala Taluk the question of residence in the Agrahara has been discussed. In the former case, e.g., Devarajapura Agrahara, settled later on, this order applied but the boundaries have not been given effect to

the Government of India, has the force of law He was therefore of opinion that the order required modification In accordance with his orders further Correspondence was carried on with the Residency Agency at Madras and also with the Inam Supt. Col. Grant while saying that the Chief Commissioners' order laid down excellent and indisputable points of principle, was of opinion that it is inconsistent with Inam Rule VI (c). In his letter No 1/C dated 4th May 1899 he says that the orders in every way equitable in principle and Solatium has been paid to the case cited upon

V. About the same year some complaints were received about Arwalikpur Agrahar in the D. Nandipur DK. Mr. Krishna Murti was of opinion that the question of alienation which has been disposed of at the Inam Settlement could not be re opened but that inside...

was an essential condition

This is what he said:—

"This is expedient to re open the question of alienations which has been already finally settled lest the tenure seems to be that of Agrahar as defined and explained in Govt order No 5189-90 / R885 of 7.11880"

Later on he noted thus on 22 2 1900:—

"I think these papers may be laid before the Dewan for his consideration

Col. Grant's view of the extension of rights by the imposition of quit-rent is opposed to the very nature and essence of the grant of residence and the keeping up of the Agrahar were no matters of consideration for the Inam Settlement, why should the Asst. Superintendent—the investigating officer—have prominently mentioned that circumstance and urged it as a ground for confirming the grant if it is not viewed as a condition of the grant, all such Agraharas will very soon be a thing of the past

The present condition of this Agrahar is deplorable and I am sure there are also others in the other parts of the Province. Some remedial measures are absolutely called for and the subject is one which deserves the best consideration of the Dewan. The restoration of the minimum number of houses in the Agrahar and the residence of the Brahmins there must be insisted upon it is important to bear in mind that the order of 1880 was issued on the 7th January 1880 (upon Rendition) by the Chief Commissioner, and the settlement of the Agrahar lands in reference was not completed before December 1880. At least there is a note that the Title deeds were prepared about that time. The Inam Enfo order is dated July 1880. It seems to me that the direction contained in para 2 of the above order was binding upon the Inam Dept., as there is nothing contrary to the Inam Rules and there was no vested interests of any kind to be interfered with. Due attention and consideration to follow the true authoritative interpretation of the rules and [illegible]

ure such as will justify us
in re opening this Settlement.
and as there are numerous
other grants in the Province
which it may be hoped will
continue till the end of time
or at all events to till the Nature
of grant continues, I think
we ought not to be slow or
reluctant to place these on a
satisfactory basis and on
the lines indicated by the order
of 1880."

8. These two files remained
without disposal

In the meantime there
was a complaint about the
non-residence of the Vrittidars
at Ramasagar or Haradagur
in the Bowringpet Taluk. In
the order of Govt No 3907 IA
P.F 15-1900
dated 13th Nov 1900 issued
under the orders of Mr Krishna
Murti residence was insisted
upon. A subsequent report
(No C 110 D/21 4th July 1902) from
the Dy Commissioner showed
that this order had not desired
effect and that the Vrittidars
or their representatives had
arranged to reside in the Village
of Haradagur as originally

arranged and abide by the
Conditions of the grant

¶ 11 The application about
Benakanakere Village was also
received. Government (Mr.
Krishna Murthi) in their order
Cp. 6640-1. dy 27th Feby. 1901
p. F 54-99
Said that the alienation to non-
Brahmins could not be questioned
and directed the Muzrai
Department to make out a
list of all Agrahar Inams
coming under the order of 1880
with information about
alienations and present enjoyers
and whether the latter are
Brahmins or others, the settlement
date with reference to the order
of 1880 and so on, to enable Govt.
to decide whether any and what
action is necessary to preserve
such Agrahar Inams in
accordance with the intentions
of the original grantors. A
Special officer should be
appointed for this work and
the list prepared and submitted
within the next three months

The Muzrai Department
have obtained lists from the
Districts and [illegible]

been done in consequence of the order of His Highness referred to in para 20 below.

An application in connection with Nakanahalli Village having been received the then Dewan in disposing of it on 30th March 1902 said:-

"The order of Mr. Rangacharlu of 1880 cannot of course affect the previous settlements, nor some of the subsequent settlements also have not made the order I shall be obliged by the 1st Councillor considering the whole subject and favouring me with his views."

3. Mr Madhavarao, the then 1st Councillor, in noting on this subject said as follows about the Devalapur Agrahar:

"No doubt the enfranchisement being subsequent to the passing of the proceedings, they apply the present case, but how far going to enforce the terms of the original grant, assuming it as the proceedings have

have the effect of modifying the Inam Rules, on which question I have my own doubts.

He added:- "A question is been used in this case as to whether the Chief Commr's proceedings of 7th January 1880 can have validity as they have the effect of modifying the Inam Rules which were passed by the Govt of India I would place the question before the Dewan for consideration in Council

"I may be allowed to note here that with a view to carry out the objects of Agrahar Inam grants made by H.H. late Highness Krishna Raja Wodeyar, III, it will be necessary to special enactment making it compulsory on the grantees both (1) to live in the Agraharas where-ever houses have been granted to them and (2) not to alienate the Agrahar Inam to non-Brahmins as I will have the effect of defeating the objects of the grants

It is a question to be their views of change in this

ndition of the Country and
- of changes in climate is
ile be fair to compel graziers
ttle in the houses originally
ated to them. owing to
crease in the number to be
d and the inadequacy of
e original grant to maintain
large family under altered
conomic conditions or
ompelled they are like all to
better their condition, Agrarian
Tenant holders may wish
to leave their original home
nd seek their fortunes else-
where, or under the influence
of the modern materialistic
civilisation, they may have
departed from the ways of
their fathers and fail to
hear even the prayers the
recital of which is one of
the conditions of the grant,
or the Agrarian may have
become uninhabitable
owing to climatic changes
with which we are familiar
in Europe and which latterly
plague has brought home
to us in every part of the
Shahe.

"Under these conditions
I do not know if it will be

be either possible or fair to insist upon the terms of the registered grant being conformed to on pain of confiscation or forfeiture of the Inam

[21] Mr. C. Srinivasa Iyengar, then 2nd Councillor noted thus:-

"This is a most important question and is fraught with consequences may I beg to suggest that it be personally discussed in council with the Dewan's Kind permission before a decision is arrived at. I am not sure that the Chief Court's order of 7/80 is not inconsistent with the Inam Rules which in their turn seem defective and can, if I am not wrong, only be set right by a Legislative enactment. The condition of caste proposed seem highly desirable, but the question is "how are we to enforce it"? It cannot of course be held applicable to the case of Inam Settlements made prior to 1880 As regards its applicability to subsequent Settlements I entertain a doubt. The Inam Rules [illegible]

with the sanction of the Govt.
of India while the order of
January 1880 was issued by the
Chief Commissioner at his own
responsibility & acquiesced in
favour of the latter but I am
not sure that it has a legal
validity"

15 It will thus be seen that
the Inam Rules as originally
framed made no distinction
between Agrahars and other
Inams and that when the
Raja Charlu, who had
experience of Inam work
in the Madras Presidency,
became Revenue Secretary
an attempt was made, but
without much effect, to
preserve the characteristics
of such Inams

16 It will also be seen that
all the officers who have dealt
with this question since the
Rendition (1) all are agreed
with the Chief Commissioner's
order & have no retrospective
effect & (2) that Messrs
Thumboo Chetty, V. Krishna
Rao, & Srinivasa Iyengar
are dead Grantees of

opinion that this order being at variance with the Inam Rules sanctioned by the Govt. of India cannot be effective and (3) that Sir P. N. Krishna Murti, Mr. V. Srinivasa Iyengar and Col. Grant are of opinion that it is equitable to make suitable provision for maintaining the Characteristics of Agrahar Inams.

17. The files still remained without final orders. In the meantime there was a complaint of alienation to a non-brahmin in connection with Manukonahalli in the Magadi Taluk.

The Dy. Comr. and the Rev. Comr. set aside the alienation. Govt. also in their order etc. Dy declined to interfere.

The points, Viz, when the Inam was settled and what the effects of such settlement was do not appear to have been considered. The reasons for declining to interfere apparently are that the alienations (not the Inam

reserve d'ley the Dewan in his
letter when 1st Councillor
the 28th July 1902 was
not shut our eyes to the
change in the conditions
especially that has taken place
since most of these grants
were made Legislation with
view to perpetuate an
exhaustive will be
necessary if the present
undesirable state of things
"

21.

Q. The idea as of course of
general order in terms of
the above or of embodying
in an order the suggestions
referred to in his note of
28th July 1902 do not appear
to have commended themselves to the late V P Madhava Rao,
Dewan in April 1906. The
decision was that in the case of
any pending files orders
might be issued "in accordance
with the Resolution or decision
passed dated"

Accordingly the Rev Council
has in reply to the query in
his letter No 6006 D/11/1905

eformed in No 1680 dated
2nd Sept 1907 that the Chief Commissioner's order of 1880 could not have retrospective effect

22. The question of Agrahars being not merely of academic interest in as much as Agrahars (such as Sitabilas and Chamaraj in Mysore) are even now being granted and the idea of non-Brahmins residing in Agrahar houses being still repugnant to the feelings of Brahmins, I was curious to have a look at the Sanads relating to the Sitabilas and Chamaraj Agrahars and accordingly wrote to the office in charge of the Palace Records from the Sanads sent by him it is clear that no reservation has been made in the matter of the alienation of the inam lands as regards the houses, occupation by non-Brahmins is prohibited. The material portion of the Sanads is noted below

"Sic

a building was not commenced
by Yard who in their order
No R 2929 dated 1st Oct 1909
LR 33807
hereby observe that all
possible care is taken
for the safety of
the workmen employed
in the building houses
in the Yard in spite of
so many of their own
fellow men
of the
Yard

37

Notes on Agrahar Inams

Agrahar Inams are of two Kinds.

I "Agrahar Inams" falling under the head "Dharmadaya or Charitable" granted "for the maintenance of Brahmins in distinct settlement & with the Condition of teaching the Vedas and praying for the prosperity of the reign of the Maharaja"

II "Agrahar Inams" falling under the head of "Personal" granted for the livelihood of Brahminical Communities.

(Vide "Brief Sketch of the various descriptions of Land & Inams" prepared by Col Puckle, Supt. Inam Settlement in may. 1874. Refer to in the Thumbo Chetty's note D/13.9.98)

Sunk hon. Secy,

2 Rs Kuttiraman

Inam Settlement, Here settled
as personal & enfranchised

36

3 In connection with the
Devanuha Agrahar Villages
the Inam Commissioner made
a reference to the Chief-
Commissioner who there
issued order cp. 5187-90 / Rev. 885 d/ 7.1.1880.
to the effect that Agrahar
Inams cannot be alienated
to Non. Brahmins and
that Agrahar houses must
be occupied by the Agrahardars
or their tenants (Mr. Ranga
Charlu was then Rev. Secretary
The Villages were afterwards settled as Hereditary
and considered to be of Class II noted in
para 1 above (Vide Letter No 58 dt 10.2.1899
from Director of Inam Settlt. &c).

37

4. It is a question whether this order applies to be all the Inams of Agrahar Inams or only the first. Col. Grant referred to in his last in his letter C/No 58 A/10.2.1899 has in says that it applies to be all.

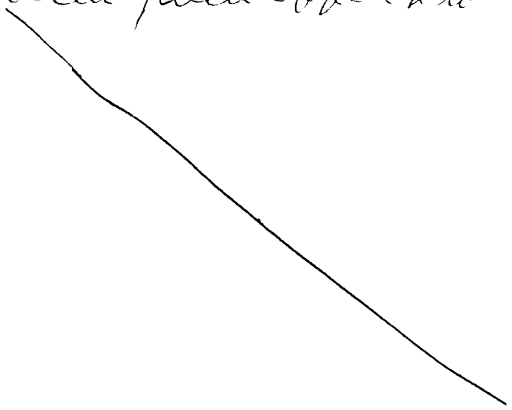
B.A.K. Swamy Hunter

5. The Settlement of Agrahar Inams had been practically Completed before the issue of this order (Vide Col Grant's letter referred to above); and alienation to Non-Brahmins had also been recognized in some cases e.g., Nakkanahalli in the Hoskote Taluk in the Devarayapura Taluk.

(In this Inam Register of this village this alienation is referred to in these terms:— The alienations are undisputed & this alienee as in possession

6. In some cases such as Doddabagal & Chikkaballi Agrahar in the Devarayapura Taluk and Kolakundi & Doddabele in the Nagamangala Taluk the question of the validity was decided as in the Agrahar

~~was necessary~~. In the few cases, e.g., Amarapur Agrahar, settled later on, the order of the Chief Commissioner was not to be given effect to



6. In the year 1897 when Poraidars of Kulisandra in the Kepturdaluk Complained of the alienation to Mr. Cockburn's order c/c. 8597/P1460 d/30.3.1897 was issued under the orders of the (Now Sir) P. R. Rushwa Murti, then Second Councillor to the effect that the Chief Court order of 1880 should be followed. When the same case came later on before the Late Hon. Thumkur Chetty who he was then 1st Councillor

39

[Copy it here]

VI(c) option, however, will be given to the inam dar to render these grants, perpetual and alienable, by a payment of a quit rent equal to one-fifth Assessment of the entire tenure, irrespective of his position with regard to heirs —

& was of opinion that the Chief Comrs order was at variance with the Inam Rule VI (c) ® which having received the sanction of the Govt. of India, had the force of law. He was therefore of opinion that the Order required modification In accordance with his orders further Correspondence was carried on with the Residency for ascertaining the practice in Madras as also with the Inam Supt. ~~Inam Superintendent~~ Coll. Grant while saying that the Chief Comrs order, ~~to Salutary, &c~~ is also of opinion that it is inconsistent with Rule VI (c)

although laid down as a hard & indisputable point of principle, was of opinion that it is inconsistent with Rule VI (c) In Lr No. 1/55 of 6-4-1899 he says that the Chief Comrs order is in every way equitable & necessary to be enforced & to be followed as the rule.

About the same year
some Complaints were
received about Aswathapur
Agraharam in the D. Nandipur Dt
& Mr Krishnamurti was of
opinion that the question
of alienation (of the Agraharam)
which had
been disposed of at the Inam
Settlement could not be
re-opened but that residence
was an essential condition
This is what he said: —
It is unexpedient to reopen this question
of alienations which has been already
finally settled but in cases where
the Agraharam is deserted & expired
in Govt. order No 5189-90 / 2885 / M7 148-1900
-X-
Instances are noted here: — —

8 There two files remained
without disposal. In the
meantime there was a Complaint
about non-residence of the
Karnams at Ramasagaram
or Karadagiri in the
Dharmapuri Taluk. In the
order of Govt. No 3907-14
P & L 15-1900
d/ 13-11-1900 issued under

"I think these papers may be laid before the Lords for their consideration

& the

exclusion of right by the imposition of quit-rents is opposed to the very nature and essence of the grant. Of residence and the keeping up of the Agrahar were no matters of consideration for the Inam Settlement, why should the Asst. Supt. the investigating officers have prominently mentioned that circumstance and urged it as a ground for confirming the grant. If it is not viewed as a condition of the grant, all such Agraharas will very soon be a thing of the past. The present condition of this Agrahar is deplorable and I am sure there are also others in the other parts of the Province. Some remedial measures are absolutely called for and the subject is one which deserves the best consideration of the Lords. The restoration

houses in the Agrahar and
the residence of the Brahmins,
there must be insisted upon.
It is important to be
in mind that the order of
1880 was issued on the 7th
January 1880 (before Rendition)
by the Chief Comm.r, and
the Settlement of the Agrahar
Lands in reference was not
Completed till one dec. 1880.
At least there is a Rule
that the Title-deeds were
prepared about that time
The Quam Rept's order is dated
July 1880. It seems to be
that the direction contained
in para 2 of the above order
was binding upon the Quam
Dep.t, as there is nothing
contrary to the Quam Rules
and there was no Vested
interests of any kind to be
interfered with Quattention
and omitted in to follow
there are Mistakenly inter-
pretations of the Rules
and binding directions
are such as will justify
us in re-opening the
Settlement and as there are
numerous other grants
in the Province which it
may be hoped will Continue

till the end of time or at all events till the Native dynasty continues, I think we ought not to be slow or reluctant to place these on a satisfactory basis and on the lines indicated by the order of 1880."

VDM

letter No. C 1105/21.7.1902

the orders of Mr. Krishna Murti residence was limited upon. A subsequent report from the Dy. Comm. shows that this order appears had the desired effect and that Mr. Vittidars or their representatives had arranged to reside in the Village of Karadagere as originally arranged and abide by the Condition of the grant.

y the application about Benakanakere Village was also received. Govt. (Mr. Krishna Murti) in their order Nº. 6640-1 P.I. 54-99 d/ 27. 2. 1901 that the alienation could not be questioned and directed the Muzrai Department to make out a list of all Agrahar Inams coming under the order of 1880 with information about alienations and present enjoyers and whether the latter are Brahmins or others, the settlement date with reference to the order of 1880 and so on, to enable Govt. to decide whether any and what action is necessary to preserve such agrahar Inams

The Muzrai Dept have obtained lists from the Deputy Cs

in accordance with the intentions of the original grantors. (1 Special Official should be appointed for this work and the lists prepared and submitted within the next three months

And nothing has been
done in Consequence
of the order of His Highness
referred to in para
below.

orders of Mr. Krishna Murti
recd & was visited upon.
A letter & report to see
the dep. comm^r. shows that
this order has had a good
effect and that

10. An application in connection
with Nakkanahalli village
having been received the then
Dewan in disposing of it
on 30.3.1902
said thus: —

"The order of the
Ranga charlu of 1880 cannot
of course affect the previous
settlements, but some of the
subsequent settlements do
also have not received
the order. It shall be obliged
by the Govt. in either

considering the whole
subject and favouring
me with his views."

Civilization, they may

the Madhava Rao, the Hon'ble
Legal Councillor in moving the
adoption of the Report of the Select Committee
said as follows: I think the Committee
should not the explanation
being subsequent to the passing
of the Proceedings, they apply
to the present case, but how
is Govt going to enforce the
terms of the original grant,
assuming that the proceedings
have the effect of modifying the Inam Rules, on which
question I have no own doubts."

He added:- a question has
been raised in this case as to whether
the Chief Comm's Proceedings
of 7th January 1880 can have
validity as they have the effect
of modifying the Inam Rules
which were passed by the Govt.
of India I were to place the
~~Jurisdiction of the~~
Question before the Advocate
Gen for consideration in
Council.

I may be allowed
to note here that with a view
to carry out the objects
of Agrahar Inam grants
made by H. Highness
Krishna Raja Wadeyar, III,

it will be necessary to pass a special enactment making it compulsory on the grantees both (1) to live in the Agrahars where-ever houses have been granted to them and (2) not to alienate the Agrahar Inam to non-Brahmins as it will have the effect of defeating the objects of the grant.

It is a question whether in view of changes in the economic condition of the Country, and also of changes in climate it will be fair to compel grantees to live in the houses originally granted to them. owing to increase in the mouths to be fed and the inadequacy of the original grant to maintain a large family under altered economic conditions or prompted by any ambition to better their condition, Agrahar Inam holders may wish to leave their original home and seek their fortunes elsewhere, or under the influence of the modern materialistic civilization, they may

departed from the ways
of their fathers and failed
to learn even the prayers
the recital of which is one
of the conditions of the
grant, or the Agraharam may
have become uninhabitable
owing to climatic changes
with which we are familiar
in Mysore and which
latterly plague has brought
home to us in every part
of the State.

Under these conditions
I do not know if it will be
either possible or fair
to insist upon the terms
of the Agraharam grant
being conformed to - on
pain of confiscation
or forfeiture of the Inam."

51

12. Mr. V. Srinivasa Iyengar
then Second Councillor
noted thus: —

This is a most
important question and
it has far reaching its
consequences. May I beg
to suggest that it be
personally discussed
in Council with the Dewan
who is permitted to express
a decision if arrived at.
I am not sure that the
Chief Court's order of
7/1/80 is not inconsistent
with the Quasi Rule
which in their turn seem
defective and can, if I
am not wrong, only be
set right by a legislative
enactment.
The Condition of Cases
proposed seem highly
desirable, but the
question is "how are we
to enforce it"? At
Cannanore we course the
Act is applicable to the

Case of Duars Settlements
made prior to 1880. As
regards its applicability
to subsequent settlements
I entertain a doubt.
The Duars Rules were
promulgated with
the sanction of the Govt.
of India while the
order of January 1880
was issued by the Chief
Commissioner on his
own responsibility.
I am quite in favour
of the settlement I am
not sure that it has
a legal validity."

13. It will thus be seen that the Duane Rules as originally framed made no distinction between Agrahars & other Duans and that when Mr. Ranga Charlu (who had experience of Duan work in the Madras Presidency) became Revenue Secretary an attempt was made but without much effect to preserve the characteristics of such Duans

54

12. Mr. S. Srinivasa Iyengar
then Second Councillor
noted thus: —

It will also be seen that
of the officers who have

dealt with this question
since the Rendition, all
are agreed that the Chief
Commissioner's order cannot
have no retrospective
effect, (2) that Messrs
Thumboo Chetty, V. P
Madhava Rao, and S
Srinivasiengar and Col
Grant are of opinion
that this order being at
variance with the Inam
Rules sanctioned by the
Govt of India, cannot
be effective and (3) that
Sir P. N. Krishna Murti
and Messrs. Srinivasa Iyengar
Rt & Col Grant are of
opinion that it is equitable
to make suitable provisions
for maintaining the
characteristics of Agrahar
Inams

55

14 Vs The files shall remained without finial orders. In the meantime there was a complaint of alienation to a non-brahmin in connection with mannveena-halli Village in the Magadi Taluk.

The Dy. Comr. & Rev. Comr. set aside the alienation. in their order No
Upon. also declined to interfere.

The points, Viz., when the Inam was settled and what the effect of such Settlement is do not appear to have been considered. The reasons for declining to interfere apparently are that the alienation (not the Inam Settlement) were recent & not bonafide

The Review application of the non-brahmin alienee was rejected

15th A similar application
by Mr. Krishna char of Lakkur

for the cancellation of the
sale of the inam village of Bairasandra in the Malur Tk
was rejected on the ground
that the Inam had been
settled ~~prop~~ prior to the
issue of the Chief Comm^rs
order of 1880 & that this village
~~should~~ ~~they~~ that this village
which appears to have been
granted by the Mogul
Emperors Cannot be said
to be an Agrahar Inam

No The entire file was
submitted to H. H. Williams

in March 1906 by Sir P. N. Krishnamurti with a note as follows: —

"In connection with some of the Cases of Agrahar Grants, the question arises as to whether the grantees have powers of alienation to non-Brahmins. In 1880, the Chief Comm. decided to the contrary in as much as such grants were supposed to entail the liability on the part of the grantees of praying for the prosperity of the grantor and his family. This decision of the Chief Comm. is, however, said to conflict with the terms of Inam Rule VI (c) issued with the sanction of the Govt. of India. The question is, however, an important one in as much as, as observed by the Chief Comm., specially in the case of the Agrahar grants made by Maharaja Krishnaraja

We do say, III, it is desirable
that the tenure of service,
though merely nominal,
should not be relaxed.
If approved by His Highness,
this question will be
considered in the Legislature
Branch with a view
to introduce legislation,
if necessary."

60

Sgd: P.N. Krishnamachariar
Asst Secy.

18

in letter of 1906 dated 9th was returned on 17.4.1906 with the following order:—

"I accept the view expressed by the Dewan in his note, written when 1st Councillor on the 28th July 1902. We cannot shut our eyes to the great change in the conditions of life that has taken place since most of these grants were made. Legislation with a view to perpetuate an anachronism will be vexatious in the present and ineffectual in the long run."

19 The idea of issuing a general order in terms of the above or embodying in an order the suggestions referred to in his Dem. of 28th

do not appear to have
Commenced & themselves
to Sir V. P. Madhava Rao,
Dewan in Mar April 1906.
He directed that in the
Case of any pending
Files orders might be
issued "in accordance with
His Highness' orders passed
above"

Accordingly the
Comm. of Stamps was in
to his query in
reply to his letter No. 6006 D/ 11-1-1905
R 1650/1
R.M. 47-86-3 D/ 24-9-1907
informed that the Chief
Comm.s order of 1880 Cannot
not ~~apply to Inams~~
~~Settled before that date~~
have retrospective effect

62

W/8. The question of Agrahars being not merely ~~only~~ of academick interest was true as Agrahars (even as Sivalikas and Chamaraj in Mysore) are even now being granted and the idea of non-Brahmins residing in Agrahars houses being still repugnant to the feelings of Brahmins, I was curious to have a look at the Sanads relating to the ~~Agrah~~ Sivalikas and Chamaraj agrahars and accordingly wrote to the officer in charge of the Palace Fort Town the ~~documents~~ Sanads kept by him (Copies kept and originals returned) It is clear that no reservation has been made in the matter of the alienation of the inam lands. But that as regards the houses occupation (by non-Brahmins) is prohibited the material portion

of the Lemma is stated below: -

13

Memorandum signed by ~~H.H.~~ Her Highness the Maharani Regent, C.I.

19. In connection with the decay of the Agrahar at Yedatore, ~~Govt. in their order of 28.29 R dt. 10. 1909 said that~~ the Second Councillor has noted thus.—

"Assuming that the Samad in the record refers to the Vrittis in question, I do not see how a Condition to build and always live in the houses can be enforced. Such grants are made with reference to the qualifications of the donees at the time. If it was an indispensable Condition that Donees & Devadayees should be made at all time, there would be no Candidates for

As the property would not fully pass to the donee. Such Conditions of residence should be Construed in a reasonable manner; and if a family or a village decays in Course of time, no artificial force can keep them alive

The Duan Settlement also prevents Govt. from stepping in as present and Requiring to impose new Conditions on enfranchised tenants."

The proposal made at the R. Assembly that tenants should be attached till their houses were rebuilt was not Countenanced by Govt who in their order no. R 2829 dt 1.10.1909 LR 338-07 merely observed that "all possible and reasonable facilities

should be provided to induce the persons concerned to build houses in the extension of the town, so that the inhabitants may of their own accord give up the old town which is stated to be unhealthy for habitation".

20. The whole matter was reviewed in connection with the Nowl Krishna Dass Charities dealt with in Govt. Order No.

DJ

87

MUZRAI DEPARTMENT.

OFFICE NOTE.

SUBJECT:—

Agricultural Loans

LAST REFERENCE.

Letter No. dated

form

In disposing of an Appeal petition from one Ramaiah, one of the Vakkaligas of Banakana-kere village in the Sidlaghatta Taluk, against the order of the Dy Commr of the Kolar District, declining to interfere with

with the hypothecation of
certain Villages of the
said Villages to non-Brahmans
by the holders thereof,
the Government in the General
and Revenue Departments
directed in their Proceedings
No 6640-41 dated 27th Slip A
Rel 554-99
February 1901, directed
that a list of all Agrahara
Inams coming under the
order of 1880 should be * Slip B
made out in the Inspection
Department, to enable
Government to decide
whether any and what
action is necessary to
preserve such Agrahara
Inams.

A circular order
was thereupon issued from
this

69

this office calling upon the
Dy Comrs to submit
a statement of such
Licences in a prescribed
form. The statements
have been accordingly
received from all the
Dy Comrs.

Submitted

ks
27/6/03

Please have
Complied if
by
the
Board that
please

70 87

Proceedings of the Chief Commissioner of Mysore in the Revenue Department, (Revenue),—dated the 7th January 1880.

Re

Inam Commissioner's Memorandum No. 1076 of the 13th December 1879.

No. 5189-90—Rev. 885, dated Bangalore, 7th January 1880.

Order thereon.—An Agrahar is ordinarily a grant of houses for the residence of Brahmans, with an endowment of lands or other income for their maintenance. The grant is for the benefit of the grantees, though, in return, they are expected to pray for the prosperity of the grantor and his family. This duty, by implication, entails certain conditions. The grantees should keep up the Agrahar and arrange for the houses being tenanted by themselves or other Brahmans; and though they are allowed to alienate the endowments, *i. e.*, the houses as well as the lands, they can so alienate them only to Brahmans, who alone are supposed to be competent to offer such prayers. In British Territories, where the dynasties of the grantors have become extinct, the necessity of maintaining such conditions ceases to exist, and the inams are often treated as entirely personal grants. In this Province, however, and especially in the case of the Agrahar grants made by the late Maha Raja, it is desirable that the tenure of service, though merely nominal, should not be relaxed, and that the Agrahars, *i. e.*, the Brahman residences with the endowments attached, should be maintained in efficiency in commemoration of the grantor.

2. The several Agrahar grants made by the late Maha Raja should be settled on the principles above laid down. These grants would be more properly construed with reference to their general character, than with reference to the wording of the sannads in each case, which, from accidents or carelessness of the writers, may vary. Powers of alienation within the limits above laid down are inherent in these grants and may be recognized in regard to all of them irrespective of the fact of their being expressly provided for or not in the sannads.

3. In the case under notice, it is not unlikely that the houses which were intended to be built and which are stated in the sannads to have been given in gift, were omitted to be built at the place mentioned. They may have been afterwards constructed elsewhere, or may not have been built at all owing to the chicanery of the agents entrusted with the work—a fact which can be easily ascertained by the Inam Superintendent through the Palace authorities. If the houses were not built, it is not the fault of the grantees, and neither they nor the present holders of the vrittis or inams can be held answerable for not keeping an Agrahar which was never built; but they would be bound to maintain such an Agrahar, or Brahman residences in the event of the present Maha Raja establishing one in fulfilment of the original grant, and in commemoration of the person at whose instance the grant was made.

4. The Chief Commissioner does not mean that houses are essential to these Agraharam grants. Grants of houses may sometimes be made under the name of Agraharams without lands attached to them, or lands may be given without houses being built. What is above laid down is the ordinary nature of these grants, and the wording of the sannad in the case under notice as well as the circumstances of other similar grants made by the late Maha Raja support the above view.

5. It is only necessary to add, with reference to para 7 of the Inam Commissioner's memorandum, that the word "occupied" in Wilson's Glossary therein referred to would seem to have been used in the sense of dwelling, and not in that of holding of lands, and in this view would not be inconsistent with the above description of the Agraharam tenure.

C. RANGACHARLU,
Revenue Secretary.

To—The Inam Commissioner of Mysore.

" Superintendent of Inam Settlements, with the original sannads received from the Inam Commissioner.

" Deputy Commissioners of Districts.

1880.

GOVERNMENT OF MYSORE.

REVENUE DEPARTMENT.

REVENUE.

To

THE INAM COMMISSIONER OF MYSORE.
„ SUPT. OF INAM SETTLEMENTS.

Dated 7th January.

Despatched

Received

Agraharam Grants.—Comments on the subject.

M. G. C. P. B.—18-6-01—10

RECEIVED
Date
Regs.No 560
MYSORE
MUZRAI BRANCH

72

Proceedings of the Government of Mysore

Read.

Petition of appeal No 109 of 15th June 1897 presented by Komanala one of the Vrittidars of Benakankere Agrahar in the Tipturu Taluk against the order of the Deputy Commissioner Tumkur District declining to interfere with the hypothecation of certain Vrittis of the said village to non Brahmins by the holders thereof.

2. Correspondence ending with letter No 479 dated 20th November 1900 from the Deputy Commissioner Tumkur District reporting that Venkatagirieh and eight others holders of 15 3/8 Mas out of 33 Vrittis comprised in the village jointly hypothecated their Vrittis in 1893 to Ranjegowda and Rangegowda for Rs 2500/- by a duly registered deed and that the hypothecation still subsisted

Order 6640-41
Pet 754-99
Dated Bangalore 27th February 1907

No orders need be passed about this mortgage as under the present Inam Settlements the alienation is valid and cannot be questioned

2. The Government however desire to have a list made out in the Inam department of all Agrahar Inams commuted under the order of 1888, with information about alienations and present occupiers as to whether the latter are Brahmins or

the settlement date with reference to the order of 1880 and so on, to enable Government to decide whether any and what action is necessary to preserve such Agrahar Inams in accordance with the intentions of the original grantors. A special official should be provided for this work, and the list prepared and submitted within the next three months.

H. Shamrao.
For Secretary

To
The Deputy Commr. Junnar
District

Secretary to Govt. Revenue
Department

Compd.
9/2 spm

Office
I see that nothing
done in this matter yet.
Please call for information
at once from Dy Comrs.
2/6/80

748

Mysore

To

The Dy Comrs of Distts -

No 1352-9
E. 2
Dy 17th June 01.

Sir,

In forwarding herewith an extract from Pro: No. 6640-41 Rev 754-99 dated 27th February 1901, issued by Govt in the Genl & Rev: Depts, regarding the Agrahara Inams in the State, I have the honor to request that you will be so good as to furnish this Office as per form appended a Statement of such Inams, on or before the 1st proximo, a Statement of such Inams as per form appended.

2. The order of 1880 referred to in the accompanying extract will be found in the monthly Proceedings Book of January 1880.

I have &c

15/6/01

Dy Secretary

Statement showing the particulars of the agrahara inams in Mysore

1. Name of Agrahara.	2. Name of Hobli or Taluq in which the Agrahara is situated.	3. Whom the Agrahara was originally granted and when, and by whom?	4. Who are the present enjoyers and whether they are Brahmins.	5. Is the Agrahara alienated or still held whole or in shares and whether the latter are Brahmins -	Whether Agrahara and under what circumstances

15

Gen. 31]

~~189~~ 1902 033-0

From B. K. Venkatavaradi Iyengar Esquire
Deputy Commissr.

To Mysore District
L. Anantasami Rao Esqre B.A
Deputy Secretary to the
Government of Mysore

Dated 3/1/02 Muzrai Department
Despatched January

Received

General No. 178
No.

Enclosure No. One Govt

Deputy Secretary's letter
No. 1352-9 dated 17th June
1901 and subsequent reminders
thereon, calling for the Ayra
-kar Inams statement.

— " —

Adverting to the above,
has the honor to submit
herewith the statement
called for.

Munsif at Rep.
for Deputy Commissr
Mysore District

15
2/2/03

(General Serial No. 30) 1903

~~189~~ 26.1.1903
560

From A. Ramachandra Iyengar Esqr.
Deputy Commissioner
Mysore District.

To L. Anantasami Rao Esqre B.A.
Deputy Secretary to the
Government of Mysore
Murrai Head

Dated 22nd January

Despatched 23rd January

Received

Enclosures No.

General No. 170
No.

Deputy Secretary's Docket
No. 1352-9 dated 17th June
1901 and subsequent ras
thereon calling for the A
-har Inams Statement.

— " —

In reply, has the hono
state that the statement
under preparation, and will
be submitted on or before
the 1st proximo.

Muniswamy Iyengar
for Deputy Commissioner
Mysore District

K.L

We may wait for a few
days more and then
write a reminder again

ks
26/1/03

Central Jail Press, Bangaloro.—14-9-94.—3'727.

18

Urgent

MUZRAI

19 —19

From

DEPUTY SECRETARY,
GOVERNMENT OF MYSORE,
MUZRAI DEPARTMENT.

To

The Deputy Commissioner
Mysore Dt.

Dated 13th January 1903
Despatched
Received

General No. 1479
Muzrai F. No. 1—1900
Enclosure No.

621-7 dy 14-11-01
1061-5 dy 18-1-02
1440-43 dy 17-3-02
1788-91 dy 16-5-02
862 dy 3-11-02

This Office No. 1352-9 dy 17th June 1901 and subsequent remindersas per margin.

The Agrahar Inams statement called for in the above has been received from all the Districts except Mysore and the compilation of the Provincial statement which is required urgently by the Government has been consequently delayed.

MGCPB—2,000—7-6 02

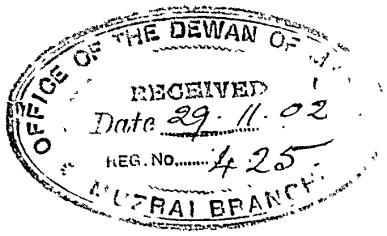
2. If the Statement is not received within one week from the date of the receipt of this Docket a stiff telegraphic reminder will be sent thereof and the cost will have to be recovered from the Official at fault & remitted to this office —

By Order

12/4/03

Deputy Secretary,
Indian Dept

74



1902/03

From The Dy Commissioner
Bangalore District

To The Dy Secy to the Govt
Of Mysore
Mysore Dept

Dated 27th Nov 1902

Despatched 28th

Received

General No.

D No. 568.

Enclosure No. One

This office letter No. 399 of
22nd October 1902.

In continuation, submits a
statement showing the Agrahar
Inams in the Yelahanka Sub Taluk.

D No 568
For use.

Bangalore District
Dy. Commissioner's Office
Bangalore 27th August 1902

From,

H. H Sparkes Esqr
Dy Commissioner
Bangalore District

To,

L Anantasami Rao Esqr BA
Dy Secy to the Govt
of Mysore
Mulrai Deptt

Sir,

In Continuation of this Office letter No 399 Dated 22nd October 1902, I have the honor to forward herewith, a statement showing the details of Agrahar Inams in the Closepet sub Taluk

I have the honor to be,
Sir,
Your most obedient servant

H H Sparkes
Dy. Commissioner,
Bangalore District.

82

Urgent MUZRAI

1901

From By
THE SECRETARY TO THE
GOVERNMENT OF MYSORE.

To
The Deputy Commissioner
Mysore District

Dated October 1902
Despatched 3d November 1902
Received

General No. 862
Muzrai F. No. 1-1900
Enclosure No.

This Office No. 1352-97
17th June 1901 and subsequent
reminders as per margin

In inviting attention
to the above has the honor
to state that the Agrahar
Inams statement called
for in the above have been
received from all the Districts
except Mysore and the
compilation of the Provincial
statement which is long overdue
has been delayed for want
of the statement from the
Mysore District - Requests

* No. 621-7, dy 14. 11. 01.
1061-5, dy 18. 1 02.
1440-43, dy 17 3. 02.
1788-91 dy 16. 5. 02.

MGCPB—11-1-1901—1500

84

1902/03

From The Dy Commissioner Bangalore District

To The Dy Secy to the Govt of Mysore Muzrai Dept

Dated 22nd
Despatched 23rd } October 1902
Received

General No.
D No. 399

Enclosure No. one.

By Secy's letter No. 1352-9 of the 17th June 1901 Submits a Statement showing the particulars of Agrahara Inam s in the Bangalore

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 23.10.
REG. No 286
MUZRAI BRANCH

Ck chur

Have you received statements from all the other Dts ?

Rs
23/10/02

Bangalore District.
Deputy Commissioner's Office.
Bangalore 22nd October 1902.

D. No. 399
Inam

From,

H. H. Sparkes Esq.
Deputy Commissioner
Bangalore District

To,

L. Anantasami Rau Esq B.A.
Deputy Secretary to the
Government of Mysore
Mugri Department.

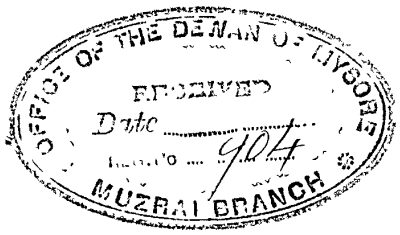
Sir,

With reference to your Letter No. 1352-9 dated the 17th June 1901, I have the honor to forward herewith a statement shewing the particulars of Agrahar Inams in this District. The statement of the Closepet Sub Taluk has been returned to the Amildar for correction and it will be submitted as soon as it is received from him.

I have the honor to be,
Sir,
Your most obedient servant.
H. H. Sparkes
Deputy Commissioner

76

1901.02



From K. P. Puttanna Chetty Esq.
Deputy Commissioner

To Shimoga District
L. Anantaswami Rao Esq.
Deputy Secy to Government
Muzrai Dept

Dated 30
Despatched June 1902
Received

General No. 1088
No. 57

Enclosure No. 1

In continuation of this office no. 314/267 dated 28th September 1901 forwards a statement of Agrahar Inams of the Shimoga Taluk.

No. 1088/57. Enl.

Deputy Commissioner's Office 87
Shimoga District
Shimoga 3d June 1902.

From K. S. Puttannashetty Esq.
Deputy Commissioner
Shimoga District

To V. Ananthaswami Rao Esq.
Deputy Secretary to Govt.
Muzrai Department

Sir,

In continuation of this office
No. 314/267 dated 28th September 1901, I have
the honour to forward herewith a statement
of Agrahar Inams in the Shimoga Taluk.
There are no Agrahar Inams properly
so called in the Tirthally Taluk. The
Inams which in the Unit Register of that
Taluk are called Agrahars are all
situated in Government villages
and these Inams were treated
as minor Inams during the Inam
Settlement. If a statement of

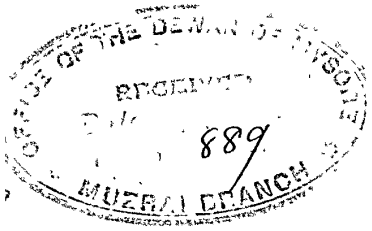
48 Such Guards is also required, to the
Scat up, the same will be submitted,
on receipt of your reply.

I have the honour to be
Sir,
Your most obedient servant

W. Mackenzie
Deputy Comm.
Shimag

89

1901–1902



16/02

K Chur

Please compile &
Submit-

hs
16/4/02

From

D. Devaraj Urs Esquire
Deputy Commissioner
Hassan District

To

L. Anantasamirao Esquire BA
Deputy Secretary to the Govt
of Mysore
Muzrai Department
Bangalore.

Dated 31st May 02
Despatched 1st June 1902
Received
General No. 583
No. 5

Enclosure No. one

His letter no 1352-9 dated 17th June 1901 and subsequent reminders requesting to submit a statement showing the particulars of Agrahar Inams in the District.

With reference to the above, has the honor to submit herewith the statement called for and to state that it is reported by the Amildar of Manjarabad that certain information for

for filling up the 4th, 5th and 6th Columns of the enclosed Statement is not forthcoming either in the Taluk Records or from the Jodidars concerned.

Deputy Commissioner
Hassan District

From

The ~~Huzrat~~ Dy Secretary to the ~~Dewan~~ Govt of Mysore.

To

The Dy: Commissioners Bangalore, ~~Lemelloor~~, Mys Hassan & Shimoga Dists

Dated 16th May 1902

Despatched

Received

Enclosures No.

General No 1788-91.
M. No. 1-1900

This Office No. 1352-9 dated 17th June 1902 & Subsequent reminders as per margin calling for a statement of Agrahar Inams in the Dt

1444 D/17/3/02

and ~~subsequent reminder marginally noted~~

Has the honor to draw attention to the above and to request ~~an early reply~~ the ~~early~~ Submission of the statement forth-with.

"By Order"

D/t

Dy ~~Huzrat~~ Secretary.

Muz: Deptt

OFFICE OF THE DEWAN
RECEIVED
Date 16.5.02
REG. No. 628

16/5/02

Ck chur

Please compile
& submit-

16/5/02

1901/2

FROM The Deputy Commissioner
Tumkur District

To The Deputy Secty to the
Govt of Mysore,
Muzrai Department
Bangalore

Dated 14th May 1902

Despatched

Received

General No. 965
No.

Enclosure No. 2 books.

Govt Progs: no 1352 dated
17th June 1901

Submitting a statement of Rs 8 due
Inams (in 2 books,) in the
Tumkur District

No 965
2600 Rs.

Deputy Commissioner's Office
Tumkur District.

Tumkur 16th May 1902

From K. S Doraisami Iyer Esq
Offg Deputy Commissioner
Tumkur District

To
L Anantārāmi Rao Esq B.A.
Deputy Secretary to the Government of Mysore,
Muzrai Department
Bangalore

Sir,

In reply to Government Proceedings no 1352-9 dated 17th June 1901, calling for a statement of Agrahar Inams in this District, I have the honor to submit herewith the statement in two books showing the particulars of Agrahar Inams in the several Taluks of the District

I have the honor to be
Sir,
Your most obedient servant

Abdul Razzaq
for Offg Deputy Commissioner

lif

QX

189

From

The ~~Mysore~~ Dy Secretary to the Govt
~~Dewan~~ of Mysore.

To

The Dy: Commr
Shimoga Dt

Dated 17 March 1902

Despatched

Received

Enclosures No.

General No 1444
M. No. 1-1903

~~His~~ ~~This Office~~ No. 314/267 dated 28th Sept~~r~~ ~~18~~ 1901, submitting a statement of Agrahar Inams of all the Talukas of his Dt except Shimoga & Tirthahalli

~~and subsequent reminder marginally noted~~

Has the honor to draw attention to the above and to request ~~an early reply~~ the early submission of the statement of Shimoga & Tirthahalli Talukas

~~"By Order"~~ By order

Dy Secy

~~Asst~~ Secretary.

85

Reminder

189 .

From

Dy:

The ~~Murrai~~ Secretary to the Govt
~~Dewan~~ of Mysore.

To

The Dy: Commrs of
Bangalore, Tumkur, Mysore
& Hassan Dts -

Dated 17 March 1902

Despatched

Received

Enclosures No.

General No 1440-43

M. No. 1-1900

This Office No. 1352-9 dated 17th June ~~18~~ 1901 & subsequent reminders as per margin calling for a Statement of Agrahar Inams in the Dt

and ~~subsequent reminder~~ marginally noted

Has the honor to draw attention to the above and to request ~~an early reply~~ the early submission of the Statement.

"By Order"

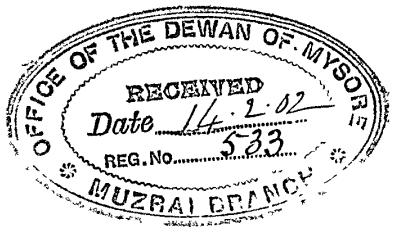
14/3/02

Dy. ~~Murrai~~ Secretary.

Dfft

Insr: Dept

96



1902

From F. C. C. Carr Esquire
Deputy Commissioner
Kolar District

To L. Anantasamy Row Esquire
Deputy Secretary to the Govt.
of Mysore Muzrai Depts.

Dated 12th February 1902

Despatched 13th

Received

General No. 3218
No. 550

Enclosure No. /

Read
14/2/02

See Enclosure Statement
of Agrahar Inams
in Kolar District

Kolar district
Deputy Commr's Office
Kolar 12th February 1902

From

F. C. C. Carr Esquire
Deputy Commissioner
Kolar district

To

L. Aiyar Ekambara Row Esquire
Deputy Secretary to the Government
of Mysore Mungroy Dasp.

Sir,

With reference to your docket
1352-9 dated 17th June 1901 and
subsequent reminders etc 621-7 and
-5 dated 14th November 1901 and 18th
January 1902 respectively, I have the honour
to forward the Statement referred
to above.

I have the honour to be
Sir
Your most obedient Servant

H Ramakka.
for Deputy Commissioner
Kolar district

4:12-